

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-720-C - ORDER NO. 95-1558 ✓
SEPTEMBER 21, 1995

IN RE: Application of BellSouth Telecommuni-)	ORDER
cations, Inc. DBA Southern Bell Telephone)	DENYING
Telegraph Company for Approval of an)	MOTION TO
Alternative Regulation Plan.)	COMPEL

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Compel filed by the South Carolina Public Communications Association (SCPCA). By its Motion, SCPCA is attempting to compel Southern Bell Telephone and Telegraph Company (Southern Bell) to answer its Interrogatory No. 3-4. SCPCA notes that Southern Bell witness Sanders testified on page 3 of his direct pre-filed testimony in this Docket that there were almost 3,900 independent payphones stations in the Southern Bell South Carolina service area at the end of May 1995. SCPCA states that it doubts the validity of Sanders number, and therefore, asks the address of each customer and telephone number, and location of each payphone, in order to substantiate the number presented by Sanders. Southern Bell refused to provide the information, objecting to the interrogatory on the basis that the requested information is proprietary.

Oral arguments were held on this matter on September 20, 1995 in the Commission's hearing room, with the Honorable Rudolph

Mitchell, presiding. John F. Beach, Esquire, represented SCPCA; Harry M. Lightsey, III, Esquire, William F. Austin, Esquire, and Douglas Lackey, Esquire, represented Southern Bell; and the Commission Staff was represented by F. David Butler, General Counsel, and Catherine D. Taylor, Staff Counsel.

Although the Commission understands the thrust of Beach's Motion, the oral arguments made it clear that the information requested by Beach is of a highly competitive nature. Customer lists, such as that requested in the present case, have traditionally not been granted by this Commission on a Motion to Compel. A good example is in Docket No. 94-712-C, American Communications Services in which similar information was requested, and this Commission, at that time, failed to compel a party to provide said lists. The Commission sees no need to deviate from its prior established policy in this case, and therefore, believes that the Motion to Compel should be denied.

This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)